

DEQ: KPT - Yale Oil - Reliance Refinery Site Cleanup		Agency/Program #: 5301-40-I2
		Division: Remediation
		Program: State Superfund
Agency Name:	Department of Environmental Quality	
Agency Contact:	Sandi Olsen	841-5001
LFC Contact:	Representative Ripley, Representative Erickson	
LFD Liaison:	Barbara Smith	444-5347
OBPP Liaison:	James Camberlain	444-1338

Program or Project Description:

SRS - Site Response Section - Protect human health and the environment from contamination at state superfund sites.

Appropriation, Expenditure and Source				
Fund Name:	2008		2009	
	Approp.	Expended	Approp.	Expended
General Fund				
State Special		854,818		
Federal Funds				
Total:	\$0	\$854,818	\$0	\$0

Approp & Expenditure numbers are as of April 15, 2008

Legislative Goal(s):

Conduct remedial action activities at the Kalispell Pole and Timber / Reliance Refinery / Yale Oil state superfund sites.

Legislative Performance Measures :

Complete proposed plan, solicit public comment, and complete record of decision with response to comments for the above facilities. If settlement discussions are not successful, request the court to order cleanup.

2009 Biennium Significant Milestones:		Completion Dates	
		Target	Actual
1	Complete Proposed Plan	Early 2008	Dec-07
2	Comment Period on proposed plan.	Winter 2008	Winter 2008
3	Complete responsiveness summary and ROD.	Spring 2008	May-08
4	Initiate settlement discussions with PLPs or request court order for design and implementation of on-the-ground treatment.	Spring Summer 2008	Delayed due to litigation
5	Identify design and implementation (cleanup) schedule or impediments to setting schedule.	Summer 2008	Pending, may be delayed

Agency Performance Report:

Utilizing information from the Remedial Investigation and Feasibility Study (RI/FS) completed pursuant to SB489 (2007 Biennium) and CECRA (state superfund), the proposed plan was completed in December 2007. This major step forward was possible because of the supplemental funding provided the preceding biennium under SB489. A 30-day public comment period began with the publication of the Proposed Plan and was extended to January 12, 2008. DEQ is now preparing the Record of Decision (ROD) and responsiveness summary.

With the completion of record of decision (the superfund equivalent of the MEPA process) the PLPs can initiate final design. The record of decision is still on track to be completed before the end of the fiscal year. That is the end of the "study." Final design is the engineering needed to make the adopted plan work on the ground.

The CECRA program is designed to allow the PLPs to do the work. Once the ROD is completed by the agency, the PLPs are key process drivers. DEQ will meet with the PLPs to develop an implementation plan and schedule. At that point we can identify additional milestone dates including the projected dates of actual on-the-ground cleanup. These steps subsequent to the ROD may be delayed by litigation.

There will likely be multiple activities going on as a part of cleanup and some can be started sooner than others. Those that are a continuation of interim actions are already underway. An interim action can be adopted as is or tweaked as a part of the ROD and final design to optimize the action for the site.

LFD Narrative:

LFD ASSESSMENT: On-Track

DATA RELEVANCE: The data received addresses the performance measures.

APPROPRIATION STATUS: The agency has expended \$854,818 to date. The appropriation was not provided.

COMMENTS/ISSUE: The agency has made clear progress toward preparing the Record of Decision. Delays due to litigation with PLPs to establish settlement will slow some of the progress. The committee may wish to inquire about when the project will be back on schedule. A warning rating was provided as the appropriation information was not complete/

OPTIONS for the committee:

1) accept the ranking and receive another report, or 2) accept and eliminate further follow up; 3) change ranking to on track and dismiss.



Version	Date	Author
5301-40-I2-CO-1	12/7/07	Smith
5301-40-I2-CW-1	5/21/07	Smith.

Change Description